

Message

From: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Sent: 3/7/2019 9:34:49 PM
To: Pickell, Casey [pickell.casey@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]; Grable, Melissa [Grable.Melissa@epa.gov]; Costello, Kevin [Costello.Kevin@epa.gov]; Myers, Tom [Myers.Tom@epa.gov]; Friedman, Dana [Friedman.Dana@epa.gov]; Sherman, Kelly [Sherman.Kelly@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Snyderman, Steven [Snyderman.Steven@epa.gov]; Manupella, Matthew [Manupella.Matthew@epa.gov]; Walsh, Linsey [Walsh.Linsey@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Pease, Anita [Pease.Anita@epa.gov]; Villanueva, Philip [Villanueva.Philip@epa.gov]; Anderson, Brian [Anderson.Brian@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Spatz, Dana [Spatz.Dana@epa.gov]; Holmes, Jean [Holmes.Jean@epa.gov]; Panger, Melissa [Panger.Melissa@epa.gov]; Eckel, William [Eckel.William@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Donovan, Elizabeth [Donovan.Elizabeth@epa.gov]; Blankinship, Amy [Blankinship.Amy@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Wendel, Christina [Wendel.Christina@epa.gov]; Judkins, Donna [Judkins.Donna@epa.gov]; Carleton, Jim [Carleton.Jim@epa.gov]; Bohaty, Rochelle [Bohaty.Rochelle@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Stebbins, Katherine [Stebbins.Katherine@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Dyner, Mark [dyner.mark@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Smith, Charles [Smith.Charles@epa.gov]
CC: Ingram, Earl [Ingram.Earl@epa.gov]; Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: TIME SENSITIVE: NRDC v EPA FOIA paper records and non-email ESI search - response needed by COB 3/8/19

I have no documents or materials matching with any of the search terms and from any of the search locations .

From: Pickell, Casey
Sent: Monday, February 25, 2019 5:32 PM
To: Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Costello, Kevin <Costello.Kevin@epa.gov>; Myers, Tom <Myers.Tom@epa.gov>; Friedman, Dana <Friedman.Dana@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Perry, Tracy <Perry.Tracy@epa.gov>; Snyderman, Steven <Snyderman.Steven@epa.gov>; Manupella, Matthew <Manupella.Matthew@epa.gov>; Walsh, Linsey <Walsh.Linsey@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Pease, Anita <Pease.Anita@epa.gov>; Villanueva, Philip <Villanueva.Philip@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Spatz, Dana <Spatz.Dana@epa.gov>; Holmes, Jean <Holmes.Jean@epa.gov>; Panger, Melissa <Panger.Melissa@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Garber, Kristina <Garber.Kristina@epa.gov>; Rossmeisl, Colleen <Rossmeisl.Colleen@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Donovan, Elizabeth <Donovan.Elizabeth@epa.gov>; Blankinship, Amy <Blankinship.Amy@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Connolly, Jennifer <Connolly.Jennifer@epa.gov>; Wendel, Christina <Wendel.Christina@epa.gov>; Judkins, Donna <Judkins.Donna@epa.gov>; Carleton, Jim <Carleton.Jim@epa.gov>; Bohaty, Rochelle <Bohaty.Rochelle@epa.gov>; Lennartz, Steven <Lennartz.Steven@epa.gov>; Stebbins, Katherine <Stebbins.Katherine@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Smith, Charles <Smith.Charles@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>; Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: TIME SENSITIVE: NRDC v EPA FOIA paper records and non-email ESI search - response needed by COB 3/8/19

All-

As you can see below, you received a similar request for the same case on November 2, 2018 (apologies for the typo of NRDC instead of CBD in the subject line, leaving along here for reference). Unfortunately, we're not done! Due to a difference between when the FOIA request was received and when EPA's search was commenced prior to litigation, the Court recently ordered EPA to add a little less than a month to the timeframe of the original search. **Therefore, this supplemental request ONLY pertains to any additional records responsive to the request you may have ranging from June 28, 2017 to July 24, 2017.** For those of you who replied to the earlier request that you had records, I will respond individually to you with your last response to me to jog your memory of what you provided.

Please conduct a search of paper records and electronic records in your possession that would NOT have been captured by email (i.e. would not have been included in an email or an attachment). A supplemental search of email records and their attachments has already been conducted and completed in this case. Please complete your search no later than **March 8, 2019** in accordance with the following parameters:

FOIA Request: All records not captured by email regarding any of the following 5 parts:

- All records mentioning, including and/or referencing the draft and/or final biological evaluation of chlorpyrifos under the ESA;
- All records mentioning, including, and/or the draft and/or final biological evaluation of malathion under the ESA
- All records mentioning, including, and/or the draft and/or final biological evaluation of diazinon under the ESA;
- All records mentioning, including, and/or the draft and/or final biological evaluation of carbaryl under the ESA
- All records mentioning, including, and/or the draft and/or final biological evaluation of methomyl under the ESA

(1) Date range:

- a. **June 28, 2017 through July 24, 2017 (a little less than 1 month from the end of your earlier search)**

(2) Locations to be searched:

- a. Paper files (including, but not limited to, phone logs, schedules, handwritten notes, etc.);
- b. Non-email electronically stored information ("ESI"):
 - i. OneDrive
 - ii. SharePoint
 - iii. Government Furnished Equipment ("GFE") computer hard drive(s)
 - iv. Lotus Notes database(s)
 - v. Any other local or shared hard drive(s)
- c. Text messages
- d. Voicemail
- e. External Drive(s) and Disc(s)
- f. Other non-email Agency records in your possession that are likely to be responsive records

While conducting your search, please take notes on your search methods (e.g., type(s) of records, location(s) searched, how you identified responsive records, etc.). After you have completed your search, please scan and email any responsive non-electronic records located through your search efforts to me. Please also include your notes about your search. If you found no potentially responsive records, please email me to let me know.

If you **DO NOT** have any additional records responsive to the request, please send me an email stating so by COB March 8, 2019.

EPA is obligated by Court Order to complete its search and review for EPA-HQ-2017-008866 by April 1, 2019. Accordingly, **please complete your search and submit any responsive records and search documentation to me by no later than March 8, 2019.**

Regards,

Casey Pickell
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460
(202) 564-2962

From: Pickell, Casey

Sent: Friday, November 2, 2018 12:13 PM

To: Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Costello, Kevin <Costello.Kevin@epa.gov>; Myers, Tom <Myers.Tom@epa.gov>; Friedman, Dana <Friedman.Dana@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>; Perry, Tracy <Perry.Tracy@epa.gov>; Snyderman, Steven <Snyderman.Steven@epa.gov>; Manupella, Matthew <Manupella.Matthew@epa.gov>; Walsh, Linsey <Walsh.Linsey@epa.gov>; Dumas, Richard <Dumas.Richard@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Pease, Anita <Pease.Anita@epa.gov>; Villanueva, Philip <Villanueva.Philip@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Spatz, Dana <Spatz.Dana@epa.gov>; Holmes, Jean <Holmes.Jean@epa.gov>; Panger, Melissa <Panger.Melissa@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Garber, Kristina <Garber.Kristina@epa.gov>; Rossmeisl, Colleen <Rossmeisl.Colleen@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Donovan, Elizabeth <Donovan.Elizabeth@epa.gov>; Blankinship, Amy <Blankinship.Amy@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Connolly, Jennifer <Connolly.Jennifer@epa.gov>; Wendel, Christina <Wendel.Christina@epa.gov>; Judkins, Donna <Judkins.Donna@epa.gov>; Carleton, Jim <Carleton.Jim@epa.gov>; Bohaty, Rochelle <Bohaty.Rochelle@epa.gov>; Lennartz, Steven <Lennartz.Steven@epa.gov>; Stebbins, Katherine <Stebbins.Katherine@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Smith, Charles <Smith.Charles@epa.gov>

Subject: RE: TIME SENSITIVE: NRDC v EPA FOIA paper records and non-email ESI search - response needed by COB 11/12

All-

You have been identified as a custodian likely to have records responsive to FOIA request EPA-HQ-2017-008866, which is currently in litigation as *CBD v. USFWS and USEPA*, No. 18-cv-342 (D.D.C.). In order to demonstrate that EPA conducted a reasonably calculated search, as required by the FOIA, please conduct a search of paper records and **non-email** electronic records in your possession. A search of email records and their attachments has already been conducted and completed in this case. Please complete your search no later than **November 12, 2018** in accordance with the following parameters:

FOIA Request: All records not captured by email regarding any of the following 5 parts:

- All records mentioning, including and/or referencing the draft and/or final biological evaluation of chlorpyrifos under the ESA;
- All records mentioning, including, and/or the draft and/or final biological evaluation of malathion under the ESA
- All records mentioning, including, and/or the draft and/or final biological evaluation of diazinon under the ESA;
- All records mentioning, including, and/or the draft and/or final biological evaluation of carbaryl under the ESA
- All records mentioning, including, and/or the draft and/or final biological evaluation of methomyl under the ESA

(1) Date range:

a. April 1, 2017 through June 27, 2017

(2) Locations to be searched:

- a. Paper files (including, but not limited to, phone logs, schedules, handwritten notes, etc.);
- b. Non-email electronically stored information ("ESI"):
 - i. OneDrive
 - ii. SharePoint
 - iii. Government Furnished Equipment ("GFE") computer hard drive(s)
 - iv. Lotus Notes database(s)
 - v. Any other local or shared hard drive(s)
- c. Text messages
- d. Voicemail
- e. External Drive(s) and Disc(s)
- f. Other non-email Agency records in your possession that are likely to be responsive records

While conducting your search, please take notes on your search methods (e.g., type(s) of records, location(s) searched, how you identified responsive records, etc.). After you have completed your search, please scan and email any responsive records located through your search efforts to me. Please also include your notes about your search. If you found no potentially responsive records, please email me to let me know.

If you **do not** have any additional records responsive to the request, please send me an email stating so by COB November 12, 2018.

EPA is obligated by Court Order to complete its search and review for EPA-HQ-2017-008866 by November 30, 2018. Accordingly, **please complete your search and submit any responsive records and search documentation to me by no later than November 12, 2018.**

Thanks,

Casey Pickell
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460
(202) 564-2962